

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/654,668

Applicant: Brian A. Rosenfeld, M.D and Michael Breslow, M. D.

Filed: September 4, 2003

Examiner: MORGAN, Robert W.

Group Art Unit: 3626

Docket No.: 2483-001CIP1

Confirmation No.: 5368

For: **SYSTEM AND METHOD FOR PHYSICIAN NOTE CREATION AND MANAGEMENT**

**INFORMATION DISCLOSURE STATEMENT PURSUANT TO 37 CFR 1.56 (b)
AND STATEMENT UNDER 37 CFR §1.97(e)**

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

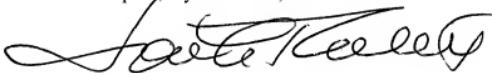
Pursuant to MPEP 2001.06 (c) Applicant hereby provides the following information from the on-going litigation captioned *VISICU, Inc. v. iMDSsoft, LTD. et al.*, Civil Action No. 07-4562 (JKG), United States District Court for the Eastern District of Pennsylvania, which may be deemed to be relevant to the pending application:

1. "Answer and Counterclaims of Defendant iMDSsoft, LTD." Filed December 10, 2007 wherein Defendant iMDSsoft makes an assertion that it is co-inventor of the invention described in US patent 6,804,656, entitled "System and Method for Providing Continuous, Expert Network Critical Care Services From a Remote Location(s)" was granted (the '656 patent) (Attachment 1). The above-referenced pending application claims priority from the '656 patent parent.

2. "Answer to counterclaims of Defendant iMDSsoft, LTD". Filed by VISICU, Inc, assignee of the '656 patent and this pending application, filed on December 28, 2007 (Attachment 2) denying any and all allegation of co-inventorship by Defendant iMDSsoft.

In accordance with 37 CFR § 1.97, the undersigned hereby states that no item listed in the attached Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application. To the knowledge of the person signing this certification after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to any individual associated with the filing or prosecution of this patent application, as designated in 37 CFR § 1.56(c), more than three months prior to the filing of this Information Disclosure Statement.

Respectfully submitted,



Jon L. Roberts, Ph.D., J.D.
Registration No. 31,293
Roberts Mardula & Wertheim, LLC
11800 Sunrise Valley Drive, Suite 1000
Reston, Virginia 20191-5302
(703) 391-2900